IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.342 OF 2006

Rajendra M. Aher & Ors. ....Appellants
V/s.
Keshav S. Aher & Ors. ....Respondents

Mr.P.N. Joshi for the Appellants.

None for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 7TH AUGUST, 2007.

P.C. :

1. For the purpose of this Second Appeal, it is sufficient to note two things. Firstly, it is admitted that the properties in respect whereof the partition has been ordered constituted joint family properties of one Madhav and Keshav. The Appellants belong to Madhavs family and Respondent No.1(1) to (7) belong to Keshavs family. Secondly, the Appellants/Defendants' main contention was that in 1955 Keshav surrendered his right in favour of deceased Madhav.

2. The learned Judge has answered the second question in the negative. He therefore, came to a conclusion that the property continues to remain joint

family property. This was on appreciation of the evidence. Indeed, the Appellants' case regarding surrender by Keshav in 1955 was based on an oral agreement/understanding.

3. In the circumstances, no question of law arises. The Second Appeal is therefore, dismissed.